



21.06.2021

Our Ref: 31122-042-02  
Your Ref: ROL 612/2015

Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
MOSSMAN QLD 4873

Attention: Environment & Planning

Dear Planners,

**Extension Application for Development Permit for Reconfiguring a Lot  
12-36 Alchera Drive, Mossman – Lot 401 on SP317071**

We act on behalf of Maxholl Pty Ltd (the Applicant) in relation to the aforementioned matter.

Douglas Shire Council issued a negotiated Decision Notice for Reconfiguring a Lot in Stages (the Approval) on 28 March 2017, copy included with *Attachment C*. The subject approval had a currency approval for four (4) years.

In July 2020, the Honourable Cameron Dick MP, the Minister for Infrastructure Planning provided notice under section 275R of the *Planning Act 2016*, extending all relevant approvals in effect for a further period of six (6) months. In accordance with section 275R of the *Planning Act 2016*, the relevant period of the subject approval is now current up to and including 28 September 2021.

The economic uncertainty in the land market up to and following the outbreak of COVID-19 has resulted in the proposed development being delayed. It is acknowledged that while the land market has improved in recent months, there has not been sufficient time to commence and complete works associated with the development.

Accordingly, Pursuant to section 86 of the *Planning Act 2016*, the Applicant requests a six (6) year extension to the currency period for the Approval. This extension will allow sufficient time for market conditions to stabilise and improve allowing construction to be commenced and be completed within the life of approval.

As the applicant is not the land holder, in accordance with Section 86(2A) of the Planning Act 2016 land owner's consent is required for this extension application and is included within *Attachment A*.



Section 87 of the Planning Act 2016 advises the matters relevant for assessment of an extension application and provides:-

*“When assessing an extension application, the assessment manager may consider any matter that the assessment manager considers relevant, even if the matter was not relevant to assessing the development application.”*

Accordingly consideration needs to be given to how the approved development fits with the current planning regime and of primary consideration is how the approved development fits with current Planning Scheme. This is reviewed as follows.

The original application was made under the Douglas Shire Planning Scheme 2006. Under this Planning Scheme the site was included in the Residential 1 Planning Area. The application was subject to Code Assessment.

Since the original Approval was granted, a new Planning Scheme has commenced, the Douglas Shire Planning Scheme 2018. Under this planning scheme the subject land is included within the Low Density Residential Zone and would continue to be subject to code assessment. The Low Density Residential Zone is considered comparable with the Residential 1 Planning Area.

Review of the approved reconfiguration against the current planning scheme finds that the approved reconfiguration is consistent with the relevant development and overlay codes. We would expect for a new application if lodged now, would be issued with similar conditions of approval of that currently in hand. The constraints of the site are appropriately reflected in the conditions of the existing approval.

In support of this application we enclose the following documents:-

- Attachment A: Owners Consent
- Attachment B: Completed Form: Extension to Relevant Period;
- Attachment C: Copy of the relevant Negotiated Decision Notice that is the subject of this request dated 28 March 2017.

Accordingly, based on the above it is considered that Council are able to agree to extend the relevant period for Reconfiguring a Lot for an additional six (6) years, to 28 September 2027

In accordance with Section 86(2)(b) of the *Planning Act 2016* and Council's Schedule of Fees 2020/21 Financial Year, Council's application fee has been determined to be \$9,232.25. It is requested that upon lodgement of this request, Council issue a tax invoice for the application fee allowing payment to be arranged.



We trust that the information provided is sufficient to assist with Council's assessment of the requested extension, however please do not hesitate to contact this office if you have any queries in relation to the application.

Yours Sincerely,

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Michael Tessaro  
Senior Planner  
Brazier Motti Pty Ltd

# ATTACHMENT A

brazier motti



**Owner's consent for making an extension application under the  
Planning Act 2016**

Brie Brie Estate Pty Ltd  
Hugh Crawford Pty Ltd  
G Muntz Pty Ltd  
D C Watson Pty Ltd

as owners of the premises identified as follows:

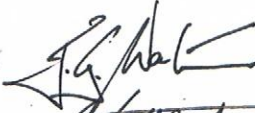





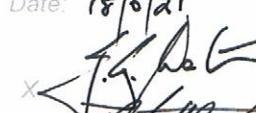
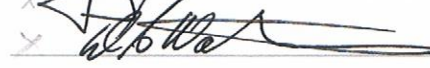
12-36 Alchera Drive, Mossman  
Lot 401 on SP317071

consent to the making of an extension application under the *Planning Act 2016* by:

Maxholt Pty Ltd  
c/- Brazier Motti Pty Ltd

on the premises described above for:

- Reconfiguring a Lot, Council Ref: ROL 612/2015

 	 
Brie Brie Estate Pty Ltd	Hugh Crawford Pty Ltd
Name: J.C. WATSON D.A. WATSON	Name: J.C. WATSON D.A. WATSON
Position: DIRECTOR DIRECTOR	Position: DIRECTOR DIRECTOR
Date: 18/6/21	Date: 18/6/21
 	 
G Muntz Pty Ltd	D C Watson Pty Ltd
Name: J.C. WATSON D.A. WATSON	Name: J.C. WATSON D.A. WATSON
Position: DIRECTOR DIRECTOR	Position: DIRECTOR DIRECTOR
Date: 18/6/21	Date: 18/6/21

The *Planning Act 2016* is administered by the Department of Local Government, Infrastructure and Planning, Queensland Government.

# ATTACHMENT B

brazier motti



# Extension application under section 86 of the *Planning Act 2016*

This template may be used for giving notice to make an extension application under section 86 of the *Planning Act 2016*. If the assessment manager for the extension application has a form for the application, the application must be made using that form.

Additional pages may be attached if there is insufficient space on the template to complete any question.

**Note:** All terms used within this template have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Maxholl Pty Ltd c/- Brazier Motti Pty Ltd
Contact name <i>(only applicable for companies)</i>	
Postal address <i>(P.O. Box or street address)</i>	PO Box 1185
Suburb	Cairns
State	QLD
Postcode	4870
Country	Australia
Email address <i>(non-mandatory)</i>	cns.planning@braziermotti.com.au
Contact number	4054 0400
Applicant's reference number(s) <i>(if applicable)</i>	31122-042-02

2) Owner's consent – Is written consent of the owner required for this extension application?	
<b>Note:</b> section 86(2)(b)(ii) of the <i>Planning Act 2016</i> , states owner's consent requirements.	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this extension application	
<input type="checkbox"/> No – proceed to question 3	

## PART 2 – ASSESSMENT MANAGER DETAILS

3) Identify the assessment manager who will be assessing this extension application.	
Douglas Shire Council	

## PART 3 –DETAILS OF APPLICATION

4) Provide details of the existing development approval subject to this extension application.			
Approval type	Reference number	Date issued	Entity that gave the development approval
<input checked="" type="checkbox"/> Development permit	ROL 612/2015	28 March 2017	Douglas Shire Council
<input type="checkbox"/> Preliminary approval			

5) Further details
5.1) Provide the currency period for this development approval.
Four (4) years
5.2) Identify how long this application seeks to extend the currency period of this development approval. <i>Note: reasoning to support the proposed extension should also be provided</i>
Six (6) years, please refer to cover letter

PART 4 – FOR OFFICE USE ONLY

Date received:		Reference number(s):	
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The *Planning Act 2016*, the Planning Regulation 2017 and the DA Rules are administered by the Department of Infrastructure, Local Government and Planning. This template (or the assessment manager’s form) and any additional materials supporting this extension application must be sent to the assessment manager.



# ATTACHMENT C

brazier motti



**YOUR REF:** 31122-042-01  
**OUR REF:** ROL 612/2015 (809730)

Administration Office  
64 - 66 Front St Mossman  
P 07 4099 9444  
F 07 4098 2902

28 March 2017

Maxholl Pty Ltd  
C/- Brazier Motti Pty Ltd  
PO Box 1185  
**CAIRNS QLD 4870**



**29 MAR 2017**

Attention:  
Job No:

Attention: Erin Berthelsen

Dear Madam

**REQUEST FOR A NEGOTIATED DECISION UNDER S 361 SUSTAINABLE  
PLANNING ACT 2009: DEVELOPMENT APPLICATION FOR 12-36 ALCHERA  
DRIVE MOSSMAN**

The abovementioned request for a Negotiated Decision was determined by Council at the Ordinary Meeting held on 28 March 2017. Please find attached the relevant Negotiated Decision Notice.

This Negotiated Decision Notice replaces the Decision Notice dated 2 February 2016.

This notice also includes an Infrastructure Charges Notice issued in accordance with section 648F of the *Sustainable Planning Act 2009*.

Should you have any enquiries in relation to this Decision Notice, please contact Simon Clarke of Development Assessment and Coordination on telephone number 07 4099 9444.

Yours faithfully

  
**Paul Hoyer | Manager**  
**Sustainable Communities | Douglas Shire Council**

Att

**APPLICANT DETAILS**

Maxholl Pty Ltd  
C/- Brazier Motti Pty Ltd  
PO Box 1185  
CAIRNS QLD 4870

**ADDRESS**

12-36 Alchera Drive MOSSMAN

**REAL PROPERTY DESCRIPTION**

Lot 113 on SP213765

**PROPOSAL**

Lot Reconfiguration (in Stages)

**DECISION**

Approved subject to conditions (refer to approval package below).

**DECISION DATE**

28 March 2017

**TYPE**

Reconfiguration of a Lot (Development Permit)

**REFERRAL AGENCIES**

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
State-controlled road	Department of Infrastructure, Local Government and Planning	Concurrence	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870
State transport infrastructure (thresholds)	Department of Infrastructure, Local Government and Planning	Concurrence	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870

**SUBMISSIONS**

There were no submissions for this application.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

Development Permit for Operational Work

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**CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT**

None

**DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)**

Not in conflict

**ASSESSMENT MANAGER CONDITIONS:**

**APPROVED DRAWING(S) AND / OR DOCUMENT(S):**

Drawing or Document	Reference	Date
Stage Plan	Brazier Motti Job 31122/42-1 Drawing No 31122/121A <del>Drawing 31122/119 G dated 3 November 2015 and to be amended by the conditions of the approval</del>	<u>1 March 2017</u> <del>To be Determined</del>

**ASSESSMENT MANAGER CONDITIONS**

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
  - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
  - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

**Timing of Effect**

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

**Lot Yield**

3. The allotment yield as detailed on the approved drawing ~~Drawing 31122/119 G dated 3 November 2015~~ prepared by Brazier Motti may reduce due to constraints. The lot yield will ultimately be determined following compliance with the conditions of this Development Permit requiring further investigation and design have potential implications to the lot layout.

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**Extension to Daintree Horizon Drive Amendment to Design**

4. ~~The lot reconfiguration layout as shown on Drawing 31122/119 G must be amended to provide:~~
- ~~a. road access to balance Lot 1000 in minimum of two (2) locations (nominally opposite Lot 349 in Stage 4A and an extension to Daintree Horizons Drive nominally in the vicinity of Lot 368 in Stage 4B). The extension to Daintree Horizon Drive is to be designed to be suitable for buses in accordance with the FNQROC Development Manual;~~
  - ~~b. The location and configuration of the park as shown in Stage 4A is not approved. A centrally located area of park is to be provided within the estate to provide a centrepiece for the estate and to adequately cater for the existing stages (1, 2 and 3) and remaining stages of the estate. The park is to be provided with substantial road frontage. A minimum of 10 per cent of the entire estate area (ie all stages inclusive) is to be provided as park.~~

~~An amended plan showing the above amendments must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.~~

**Traffic Impact Study**

5. A Traffic Impact Study must be undertaken by an appropriately qualified professional with respect to the impacts of the current proposed development ~~(components of Stage 4) and for the ultimate development on the road network and compliance with Austroads, (in particular *Guide to Traffic Management Part 12: Traffic Impacts of Developments*), Queensland Streets and the FNQROC Development Manual. The study is to include but not be limited to the following:~~
- a. Volume of traffic generated by the development for the current proposed stages and for the ultimate development (including ultimate connectivity through to developable land to the South);
  - b. Impact on the operation of the intersections at:
    - i. Daintree Horizon drive with Johnson Road; and
    - ii. Johnson Road with Front Street,for current and ultimate development traffic generation rates from the development in addition to existing and expected external traffic growth;
  - c. Advice on possible intersection reconfiguration or provision of traffic islands, line-marking, signage, street lighting and other necessary external work that may be required as a consequence of the increased traffic volumes at these intersection per the analysis in a and b above;

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- d. Assessment of the operation of existing lot accesses on Johnson Road and Daintree Horizon Drive (queuing areas, protection of stored vehicles and requirement for clearways) as a consequence of the operation of the intersection and possible upgrades;
- e. Consideration of the need for traffic calming to be installed at the internal intersections onto to the major internal collector route Daintree Horizon Drive including in particular at its intersections with Riflebird Close and Springhill Close.

Three (3) copies of the Traffic Impact Study report must be submitted and endorsed by the Chief Executive Officer prior to issue of a Development Permit for Operational Work. Such works recommended by the approved report must be constructed in accordance with the approved plans to the satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

**Road Safety Audit – Road Layout**

- 6. Further investigations must be undertaken by an appropriately qualified professional with respect to the proposed road layout and compliance with Queensland Streets and the FNQROC Development Manual.

Three (3) copies of the road safety audit that is approved by a Registered Professional Engineer of Queensland (RPEQ) and a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

Where specific access locations are nominated for particular allotments, the crossover and aprons must be constructed prior to the issue of a Compliance Certificate for the Plan of Survey.

**Drainage Study of Site**

- 7. Undertake a local drainage study of the proposed development components of Stage 4 to determine the drainage impacts on upstream and downstream properties and the mitigation measures required to minimise such impacts. In particular, the study must address the following:
  - a. The contributing catchment boundaries and supporting information substantiating these boundaries. In particular, the assessment of the capacity, tenure and operation of any upslope diversion drains relied on in assessing contributing catchment boundaries;
  - b. The extent of the 100 year ARI flood event in relation to the site both pre- and post-development;
  - c. Primary and secondary flow paths for the 5 and 100 year ARI flood events;
  - d. Identify any requirement for drainage easements. The lot layout does not currently identify drainage easements. Introduction of easements may have

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implications on Council acceptance of the layout and Council reserves the right to review the layout in the event easements are required within allotments;

- e. Identify the need and tenure for flood detention areas to ensure a no-worsening impact on downstream properties for the entire development;
- f. Information on the proposed works and any impacts proposed at the drainage outlet from the proposed development; and
- g. Lawful point of discharge.

The study must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

**Filling Lots**

- 8. Each lot must be filled to achieve a Q100 plus hydraulic modelling flood immunity for the building envelope area and access thereto.

**Street Layout and Design**

- 9. The street layout and design must be revised to comply with Queensland Streets and the FNQROC Development Manual, to the satisfaction of the Chief Executive Officer. In particular:

- a. Amend the design having regard to any requirements identified under further investigation required of Conditions 4 and 5 above;
- b. All roads must have a minimum road reserve width of 16.5 metres;
- c. Provision of a two (2) metre wide footpath is to be constructed within all Access Streets and higher order roads in accordance with Table D1.3;
- d. Provide a convex viewing mirror at the bend in the pathway between lots 402/403 332/333 and 351/352;
- f. Provide a four (4) metre wide grassed buffer strip between the farm land and the southern boundary of the approved residential lots and park.

~~Inclusion of a timber paling fence to a standard height of approximately 1.8 metres to the residential lots that have a common boundary to proposed Lot 1000 and suitable headland separation on proposed Lot 1000 from the common boundary to the residential lots and the Park lot for the ongoing agricultural use of the land;~~

- g. The location of any substantial area of remaining fill / spoil must be suitably mounded, grassed and maintained to ensure no detriment to any property by way of ponding water or impact to drainage flows and not to be of such a height to be desirous to the visual amenity of residential properties;
- h. Ensure the access place 'street leg length' is designed to satisfy the 30 km/hr design speed control criteria;

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- i. Ensure the access street 'street leg length' is designed to satisfy the 40 km/hr design speed control criteria;
- j. Nomination of location and provision of driveways for the proposed Lots 401, 508, 707, 708, 710, 711, 713, 714 and 715 ~~353, 354, 360, 359, 367, 368, 376, 375, 372, 373, 391, 392, 393 and 394~~ to ensure the maximum sight distance possible to reduce conflict at the adjoining intersections;
- k. A Master Plan for on-street parking must be provided for all lots with frontages less than 20m to demonstrate adequate parking opportunities can be provided to satisfy Qld Streets having regard to street services, road furniture, drainage inlet pits, street lights and driveways; and
- l. Provision of on-street car parking spaces as identified in the above parking Master Plan and as a minimum, within the cul-de-sac in the vicinity of lots 804 and 809 ~~403 to 408~~ to satisfy Queensland Streets.

An amended plan incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

**Provision of Park**

- 10. The applicant is to provide park ~~in accordance with the requirements of Condition 4b~~ prior to Council being required to issue a certificate of compliance for Stage 5 ~~4B~~. The park area must include:
  - a. Water service and provision of a tap for the central park;
  - b. Bollards around the perimeter to prevent vehicle access with the exception of Council access;
  - c. Shelter and seating area in the central park;
  - d. Profiling of the park is to be demonstrated on the earthworks plan. In particular site grading, batter height and slope must meet the requirements of the Planning Scheme and FNQROC Development Manual;
  - e. Seeded and grassed.

The inclusion of other embellishments will be determined at the time of seeking a Development Permit for Operational Works.



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This area of land must be to the requirements and satisfaction of the Chief Executive Officer. The land must be transferred at the same time as registering the Plan of Survey with the Department of Natural Resources and Mines.

Note: The provision of park in Stage 5 is only in partial compliance with park requirements for the the overall master plan approved for the estate.

**Water Supply and Sewerage Master Plan**

11. A Water Supply and Sewerage Master Plan accompanied by supporting calculations must be provided which demonstrates how the proposed stages and the ultimate development can be serviced. Any staging issues or future upgrades need to be identified and the timing for such upgrades nominated in the master plan.

Three (3) copies of a plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to the issue of a Compliance Certificate for the Plan of Survey.

**Water Supply and Sewerage Works Internal**

12. Undertake the following water supply and sewerage works internal to the subject land:
- a. Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;
  - b. Provide a water supply reticulation network to enable future connection of each lot in accordance with the FNQROC Development Manual;

All the above works must be designed and constructed in accordance with the FNQROC Development Manual. Plans and supporting documentation incorporating the above requirements must be submitted prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

**Acid Sulfate Soil Investigation**

13. Undertake an Acid Sulfate Soil investigation in the area to be affected by this development. Soil sampling and analysis must be undertaken in accordance with procedures specified in *'Guidelines for Sampling and Analysis of Lowland Acid Sulfate Soils in Queensland'* (1998) or updated version of document produced by Department of Natural Resources and Mines (Previously DNRW – QASSIT), and State Planning Policy 2/02 – *'Planning and Managing Development involving Acid Sulfate Soils'*. The results of this investigation must be submitted to Council for approval prior to any earthworks or clearing being commenced on the site.

Identification of soils with a pyrite content in excess of the action levels nominated in the latest version of DNRW – QASSIT: *'Guidelines for Sampling and Analysis of*

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*Lowland Acid Sulfate Soils in Queensland* (1998) will trigger the requirement for preparation of an Acid Sulfate Soil Environmental Management Plan in accordance with the most recent requirements of the DNRM: *'Queensland Acid Sulfate Soil Technical Manual'* (2002), including Soil Management Guidelines (updated Feb 2003), which must be prepared to the satisfaction of the Chief Executive Officer.

**Access to Hatchet or Battleaxe Lots**

14. Construct a concrete driveway or other approved surface to battleaxe Lot 806 405 extending the full length of the access leg from adjacent kerb and channel with a standard crossover in accordance with the FNQROC Development Manual Standard Drawings. Construction of the concrete driveway must be in accordance with the FNQROC Development Manual.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

**Service Conduits**

15. Provide service conduits to Lot 806 405 adjacent to the driveway together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway.

All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

**Demolish Structures**

16. All structures not associated with the approved development (including disused services and utilities) must be demolished and/or removed from the subject land prior to the issue of a Compliance Certificate for the Plan of Survey.

**Temporary Vehicle Turnaround**

17. A temporary vehicle turnaround at end of all partially constructed roads where the length of road exceeds 60 metres (ie maximum acceptable reversing distance for garbage truck) must be provided. The turning facility must be of sufficient size to turn around a garbage truck, either in a continuous forward movement or by a three-point turn.

**Stockpiling and Transportation of Fill Material**

18. Soil used for filling or spoil from the excavation is not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works unless the mounded earth is grassed, maintained and does not detrimentally impact on stormwater. A drainage plan demonstrating the sufficiency for stormwater approved by an RPEQ must be provided to the satisfaction of the Chief Executive Officer where filling or spoil is stockpiled for more than one (1) month.

Transportation of fill or spoil to and from the site must not occur within:

- a. peak traffic times; or

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- b. before 7:00 am or after 6:00 pm Monday to Friday; or
- c. before 7:00 am or after 1:00 pm Saturdays; or
- d. on Sundays or Public Holidays.

19. Dust emissions or other air pollutants must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

**Storage of Machinery and Plant**

20. The storage of any machinery, material and vehicles must not cause a nuisance to surrounding properties, to the satisfaction of the Chief Executive Officer.

**Construction Access**

21. Vehicular access to the site for construction and demolition purposes must be provided from Daintree Horizon Drive only, unless authorised by the Chief Executive Officer.

**~~Fence Requirement – Protection from ongoing cane usage~~**

- ~~22. Construct an acoustic fence (that may be a standard 1.8m timber paling fence) to the common boundary of the residential lots to the proposed Lot 1000, authorised under this approval.~~

**Vegetation Clearing**

22. No vegetation clearing, other than regular agricultural activity is to occur on the Balance Lot 1000 unless further approval is gained as is necessary.

**Weed Management**

23. A Weed Management Plan for invasive pest species must be submitted to and endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.
24. A vehicle wash down and inspection facility for all machinery entering and leaving the site during construction must be provided to reduce the spread of invasive weed species.

**Lawful Point of Discharge**

25. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.

**Plan of Drainage Works**

26. The subject land must be drained to the satisfaction of the Chief Executive Officer. In particular,
- a. Drainage infrastructure in accordance with the FNQROC Development Manual

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- b. The drainage system from the development must incorporate a gross pollutant trap(s) or equivalent measure(s), meeting the following Council specifications for stormwater quality improvement devices (SQID), namely:
  - i. End-of-line stormwater quality improvement devices (SQID) shall be of a proprietary design and construction and shall carry manufacturer's performance guarantees as to removal of foreign matter from stormwater and structural adequacy of the unit.
  - ii. SQIDs shall remove at least ninety-five per cent of all foreign matter with a minimum dimension of three (3) mm and shall be configured to prevent re-injection of captured contaminants. The SQID must treat all first flush runoff, which shall be defined as that volume of water equivalent to the runoff from the three (3) month ARI storm event. The location of SQIDs within the drainage system shall be planned to ensure that the first flush waters from all parts of the (developed) catchment are treated.
  - iii. The design of the SQID shall not compromise the hydraulic performance of the overall drainage system.
  - iv. SQIDs shall be positioned so as to provide appropriate access for maintenance equipment.
  - v. In the event that the master plan for the ultimate development proposes a SQID that is not within the current stages the applicant is to advise when the SQID will be provided and what temporary measures are proposed.
- c. All new allotments shall have immunity from flooding associated with a one (1) per cent AEP (ARI 100 year) rainfall event; and
- d. Where practical, all new allotments must be drained to the road frontages, drainage easements or drainage reserves and discharged to the existing drainage system via storm water quality device(s).

**Sediment and Erosion Control**

- 27. A sediment and erosion control plan must be submitted prior the issue of a Development Permit for Operational Works. Such plans must be installed / implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the FNQROC Development Manual).

**Existing Services**

- 28. Written confirmation of the location of existing services for the land must be provided. In any instance where existing services are contained within another lot, the following applies, either:
  - a. Relocate the services to comply with this requirement; or

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- b. Arrange registration of necessary easements over services located within another lot prior to, or in conjunction with, the lodgement of a Compliance Certificate for the Plan of Survey creating the lot.

**Electricity Supply**

29. Written evidence from Ergon Energy advising if distribution substation/s are required within the development must be provided. If required, details regarding the location of these facilities must be submitted to the Chief Executive Officer accompanied by written confirmation from Ergon Energy. Details regarding electricity supply must be provided prior to the issue of a Development Permit for Operational Works.

**Electricity and Telecommunications**

30. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the issue of a Compliance Certificate for the Plan of Survey.

**Street Lighting**

31. The following arrangements for the installation of street lighting within the proposed subdivision must be provided prior to the issue of a Compliance Certificate for the Plan of Survey:

- a. Prior to the approval and dating of the Plan of Survey, a Rate 2 lighting scheme is to be prepared by Ergon Energy or its approved consultant and submitted to the Chief Executive Officer for approval. The Rate 2 lighting scheme is to be designed in accordance with the relevant Road Lighting Standard AS/NZS 1158 and the FNQROC Development Manual. The applicable lighting category is to be determined from the Road Hierarchy Table D1.1 and the corresponding applicable Lighting Categories Table D8.1 as identified in the FNQROC Development Manual.

The design must provide the applicable illumination level specified in the Road Lighting Standard AS/NZS 1158 at the following road elements:

- Intersections
- Pedestrian Refuges
- Cul-de-sacs
- LATM Devices (Including Roundabouts)

LATM Devices are to be shown on the civil layout design, the electrical services and street lighting design must be submitted in accordance with Ergon Energy's latest Distribution Design Drafting Standard.

- b. Prior to the issue of a Compliance Certificate for the Plan of Survey written confirmation that the relevant capital contribution required by Ergon Energy has been paid must be submitted, to ensure that the street lighting will be constructed.
- c. Where a new intersection is formed on an existing roadway for the purpose of accessing a new subdivision development, the intersection and existing road

**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.

- d. Where an existing intersection is required to be upgraded as part of a development approval, the intersection and existing road approaches must be provided with street lighting for a distance equivalent to at least two (2) spans either side of the intersection to the relevant Lighting Category.

**Damage to Council Infrastructure**

32. In the event that any part of Council's existing sewer / water or road infrastructure is damaged as a result of construction activities occurring on the site, including, but not limited to, mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Council immediately of the affected infrastructure and have it repaired or replaced at the developer's/owner's/builder's cost, prior to the Commencement of Use.

**Landscape Plan**

33. Undertake landscaping of the site and street frontages of new roads in accordance with FNQROC Development Manual and in accordance with a landscape plan. The landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Work. In particular, the plan must show:

- a. Planting of the footpath with trees, using appropriate species;
- b. The provision of shade trees, especially in parks;
- c. Species to have regard to the Planning Scheme Policy No 7 Landscaping;
- d. Inclusion of all requirements as detailed in other relevant conditions included in this Approval, with a copy of this Development Approval to be given to the applicant's Landscape Architect / Designer.

Two (2) A1 copies and one (1) A3 copy of the landscape plan must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works. Areas to be landscaped must be established prior to approval and dating of the Plan of Survey and must be maintained for the duration of the on-maintenance period to the satisfaction of the Chief Executive Officer.

**REFERRAL AGENCY CONDITIONS & REQUIREMENTS**

Referral Agency	Referral Agency Reference	Date	Council Electronic Reference
State Assessment & Referral Agency	SDA-0215-018102	24 November 2015	761664

Refer to Attachment 2: Referral Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies. Note: The plan in SARA's response is not the approved plan).

**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

**ADVICE**

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
4. Road and Site Grading Master Plan

Any future development of Lot 1000 will require a Road and Site Grading Master plan to be undertaken for the entire site to a preliminary level. Stages contained in Stage 4 (A, B, C and D) and as amended by the conditions of the approval set the road alignments and geometry for future road connectivity within the estate. In order for any potential future development layouts of Lot 1000 to be accepted, the master plan will need to demonstrate that the proposed ultimate layout provides sufficient opportunities for efficient drainage through the site. ~~In order for Stage 4 layouts to be accepted, the master plan will need to demonstrate that the proposed ultimate layout provides sufficient opportunities for efficient drainage through the site.~~

Council notes that the road layout appears to follow the contours indicating limited longitudinal fall along the road. Provision of preliminary road grading together with the drainage study will need to demonstrate that layout is responsive to the topography and does not impose excessive stormwater infrastructure requirements.

**5. Drainage**

Future development of Lot 1000 will require the submission of a Drainage Study and master plan.

**6. Infrastructure Charges Notice**

A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The *Sustainable Planning Act 2009* confers rights to make representations and appeals in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

7. For information relating to the *Sustainable Planning Act 2009* log on to [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au) . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).

**RIGHTS OF APPEAL**

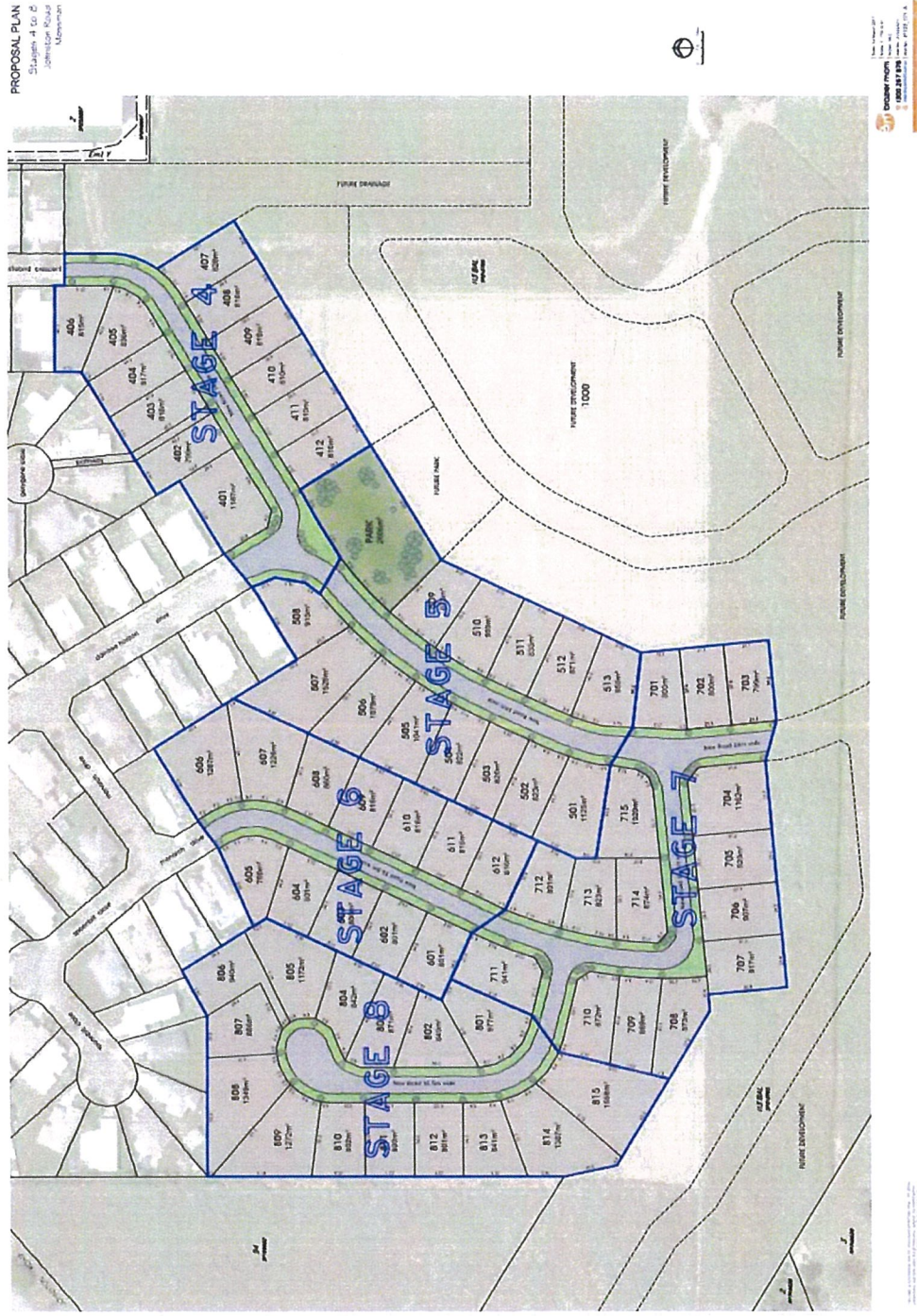
Attached

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**End of Decision Notice**



# APPENDIX 1: APPROVED DRAWING(S) & DOCUMENT(S)



## APPENDIX 2: REFERRAL AGENCY REQUIREMENTS



Department of Infrastructure,  
Local Government and Planning

Our reference: SDA-0215-018102  
Your reference: RQL 312/2015

24 November 2015

Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
Mossman QLD 4873

Dear Sir/Madam

### **Amended concurrence agency response - changed condition**

Development permit for a reconfiguration of a lot (1 Lot into 67 residential Lots, road, park and balance Lot) Daintree Horizons Estate Stage 4, on land located at 12-36 Alchera Drive, Mossman, QLD, described as Lot 113 on SP213765

(Given under section 280(1)(b) of the *Sustainable Planning Act 2009*)

The Department of Infrastructure, Local Government and Planning issued a concurrence agency response under section 285 of the *Sustainable Planning Act 2009* on 23 February 2015. On 3 November 2015 the department received representations from the applicant under section 320(1) of the Act requesting that the department amend its concurrence agency response under section 280(1)(b)(i) of the Act.

The department has considered the written representations and agrees to issue the following amended concurrence agency response.

### **Applicant details**

Applicant name: Maxholt Pty Ltd  
Applicant contact details: C/- Brazier Mottl Pty Ltd  
PO Box 1185  
Cairns QLD 4870  
[Cas.planning@braziermottl.com.au](mailto:Cas.planning@braziermottl.com.au)

### **Site details**

Street address: 12-36 Alchera Drive, Mossman, QLD  
Lot on plan: Lot 113 on SP213765

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Far North Queensland Regional Office  
Ground Floor, Cairns Port Authority  
PO Box 2383  
Cairns QLD 4870

**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

SDA-0215-010102

Local government area: Douglas Shire Council

**Application details**

Proposed development: Development permit for a reconfiguration of a Lot (1 Lot into 67 residential Lots, road, park and balance Lot) Daintree Horizons Estate Stage 4

**Aspects of development and type of approval being sought**

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Reconfiguring a Lot	Development permit	Reconfiguration of a Lot (1 Lot into 67 residential Lots, road, park and balance Lot) Daintree Horizons Estate Stage 4	Code Assessment

**Referral triggers**

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger      Schedule 7, Table 2, Item 2—State-controlled road  
Schedule 7, Table 3, Item 2—State transport infrastructure (thresholds)

**Conditions**

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

**Reasons for decision to impose conditions**

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

**Further advice**

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

**Approved plans and specifications**

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version/Issue
<b>Aspect of development: Development Permit for a reconfiguration of a Lot (1 Lot into 67 Residential Lots, Park, Road and Balance Lot (Daintree Horizons Estate Stage 4))</b>				
Proposed Reconfiguration Plan - Stages 4A, 4B, 4C &	Brezler Motli	03 November 2015	Plan No 31122/119	Issue G

**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

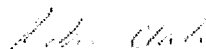
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The applicant has provided written agreement to this amended concurrence agency response, as attached.

For further information, please contact Sue Lockwood, Senior Planning Officer, SARA Far North QLD on (07) 4037 3215, or email [sue.lockwood@dlgp.qld.gov.au](mailto:sue.lockwood@dlgp.qld.gov.au) who will be pleased to assist.

Yours sincerely



Robin Clark  
Manager (Planning)

cc: Maxhol Pty Ltd, [ons.planning@maxhol.com.au](mailto:ons.planning@maxhol.com.au)  
enc: Attachment 1—Amended conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Attachment 4—Approved plans and specifications  
Applicant written agreement to amended concurrence agency response

**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

SDA-0215-018102

Our reference: SDA-0215-018102  
Your reference: ROL 612/2015

**Attachment 1—Amended conditions to be imposed**

No.	Conditions	Condition timing
<b>Development Permit - Reconfiguring a Lot (1 Lot into 67 Residential Lots, Park, Road and Balance Lot (Daintree Horizons Estate Stage 4))</b>		
<b>Schedule 7, Table 2, Item 2-State-controlled road and Schedule 7, Table 3, Item 2-State transport infrastructure (thresholds)</b> —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of the Department of Transport and Main Roads to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<b>AD01 - Model Condition</b> The development must be carried out generally in accordance with the following plans: <ul style="list-style-type: none"><li>Proposed Reconfiguration Plan - Stages 4A, 4B, 4C &amp; 4D prepared by Brazier Maiti, dated 03 November 2015, Plan No 31122/119, Issue G.</li></ul>	At all times

**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

SDA-0215-018102

Our reference: SDA-0215-018102  
Your reference: ROL 612/2015

**Attachment 2—Amended reasons for decision to impose conditions**

The reasons for this decision are:

- To ensure the development is carried out generally in accordance with the plan of development submitted with the application

**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

SDA-0216-018102

Our reference: SDA-0216-018102  
Your reference: ROL 612/2015

**Attachment 3—Further advice**

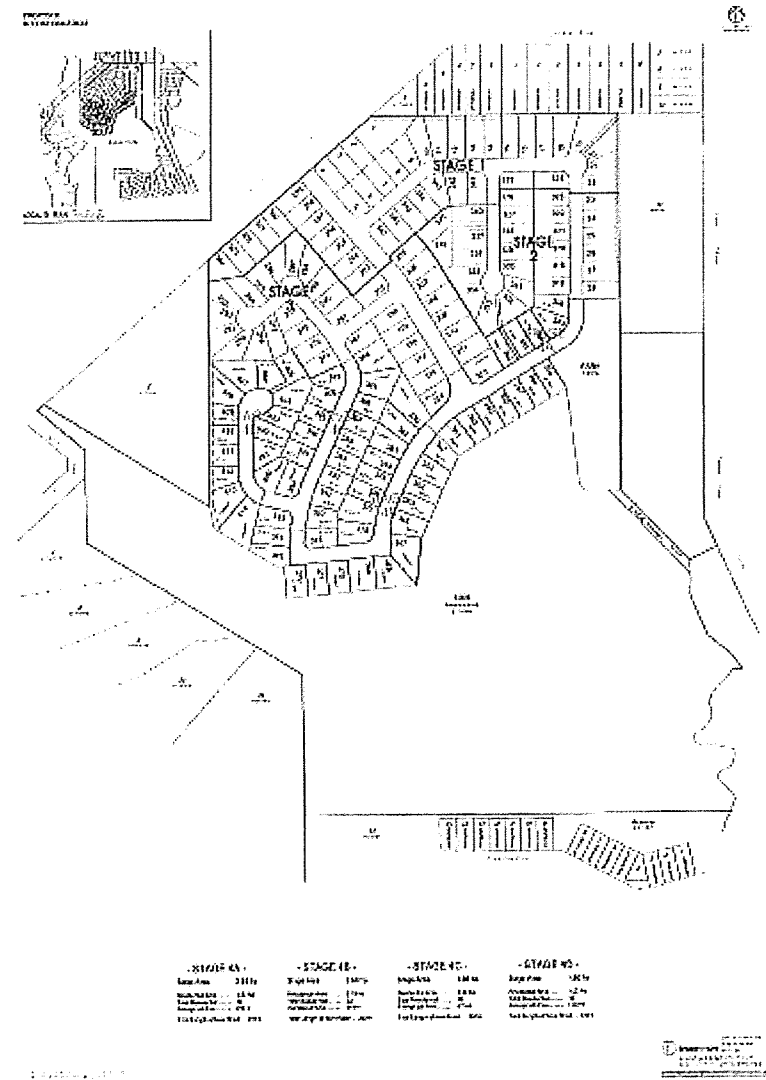
General advice – advertising device	
1.	Under section 43 of the <i>Transport Infrastructure Act 1994</i> , a local government must obtain approval from the Department of Transport and Main Roads if it intends to approve the creation, alteration or operation of an advertising sign or other device that would be visible from a state-controlled road, and beyond the boundaries of the state-controlled road, and reasonably likely create a traffic hazard for the state-controlled road.
State Planning Policy July 2014 – Interim development assessment provisions	
2.	Douglas Shire Council, in its role as assessment manager, must assess the development application against the State Planning Policy July 2014 and in particular the interim development assessment provisions, such as natural hazards and water quality, to the extent it is relevant to the proposed development.

**DECISION NOTICE DETAILS**  
**SUSTAINABLE PLANNING ACT 2009**

SDA-0215-016102

Our reference: SDA-0215-016102  
Your reference: ROL 612/2015

**Attachment 4—Approved plans and specifications**





**YOUR REF:** 31122-042-01  
**OUR REF:** ROL 612/2015 (809730)

Administration Office  
64 - 66 Front St Mossman  
P 07 4099 9444  
F 07 4098 2902

28 March 2017

Maxholl Pty Ltd  
C/- Brazier Motti Pty Ltd  
PO Box 1185  
**CAIRNS QLD 4870**

Dear Sir/Madam

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR  
12-36 ALCHERA DRIVE MOSSMAN**

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with section 648F of the *Sustainable Planning Act 2009* (the Act).

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact Development and Environment at Council for review of the charge amount prior to payment.

These charges are payable prior to the issue of a Compliance Certificate for the Plan of Subdivision.

Please also find attached extracts from the Act regarding the following:


- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.

Should you have any enquiries in relation to this Adopted Infrastructure Charges Notice, please contact Simon Clarke of Development Assessment and Coordination on telephone number 07 4099 9444.

Yours faithfully

  
**Paul Hoye | Manager**  
**Sustainable Communities | Douglas Shire Council**

# INFRASTRUCTURE CHARGES NOTICE

		<b>2008 Douglas Shire Planning Schemes Applications</b>	
<b>ADOPTED INFRASTRUCTURE CHARGES NOTICE</b>			
Maxholl Pty Ltd DEVELOPERS NAME		Daintree Horizon ESTATE NAME	
12-36 Alchera Drive STREET No. & NAME		Mossman SUBURB	
ROL 68 lots and Park DEVELOPMENT TYPE		L113 SP213765 LOT & RP No.s	
762731 DSC Reference Doc. No.		1 VERSION No.	
		4A, 4B, 4C & 4D STAGE	
		147163 PARCEL No.	
		4 VALIDITY PERIOD (year)	

	Use	Charge per Use	Amount Due	Amount Paid	Receipt Code & GL Code
Rural Areas - Water Only	proposed	0	0.00		
		0	0.00		
	existing	0	0.00		
	Total		0.00		
Urban Areas - Water only	proposed	0	0.00		
		0	0.00		
	existing	0	0.00		
	Total		0.00		
Urban Areas - Water & Sewer	proposed development	68	14,342.13	975,264.84	
		0	0.00		
	existing credit	1	14,342.13	14,342.13	
	Total		960,922.71		
TOTAL			\$960,922.71		

Prepared by	J Elphinstone	7-Dec-15	Amount Paid	
Checked by	N Beck	7-Dec-15	Date Paid	
Date Payable	ROL - Before the Local Government approves the plan of subdivision			
Amendments		Date	Receipt No.	
			Cashier	

## Note:

The Infrastructure Charges in this Notice are payable in accordance with Section 630 of the Sustainable Planning Act 2009 (SPA) as from Council's resolution from the Special meeting held on 24 June 2015.

Charge rates under the current Policy are not subject to indexing.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted.

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au